

Remarks

By this Amendment Applicant has amended Claims 27 and 32. Applicant respectfully submits that no new matter was added by this amendment as all the limitations of these claims was previously described in the written descriptions and/or drawings.

The Examiner has rejected Claims 1 – 11, 14, 16, 17, 19, 20 and 27 – 29 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,627,583 to Nakamura et al. ("the '583 patent"). The Examiner has further rejected Claims 12, 13 and 21 under 35 U.S.C. § 103(a) as unpatentable over the '583 patent in view of U.S. Patent Application Publication No. 2002/0095501 A1 ("the '501 application"). The Examiner has still further rejected Claim 15 under 35 U.S.C. § 103(a) as unpatentable over the '583 patent in view of U.S. Patent No. 6,638,212 to Oshima ("the '212 patent"). The Examiner has yet further rejected Claims 18, 22 – 24, 26 and 30 – 32 under 35 U.S.C. § 103(a) as unpatentable over the '583 patent in view of U.S. Patent No. 5,627,082 to Dowdy et al. ("the '082 patent"). These rejections are respectfully traversed.

35 U.S.C. § 102(b) Rejections

As amended, Claims 1, 17 and 27 each require among other elements a program stored or located on a storage device, the program executing on the camera control unit enabling or modifying the camera control unit to receive and/or process image data. Applicant respectfully submits that the '583 patent fails to disclose these limitations.

Rather, the '583 patent discloses that "[w]hen the electroendoscope A1 is connected to the camera control unit 3, circuit data is loaded from data ROM 19 into the signal processing circuit 16." (col. 4, lines 52 – 54) This "circuit data" loaded to "signal processing circuit 16" however, is not equivalent to the program that is stored or located on the storage device, and which then executes on the camera control unit as required

by Claims 1, 17 and 27. Rather the '583 patent identifies that "an LCA 121 is a logic IC driven by a program in the same manner as a microcomputer" and that the "logic circuit is formed by a *configuration program based on the circuit data* mentioned above." (col. 4, lines 22 – 23 and 29 – 30) (emphasis added) Additionally, the '583 patent further identifies the "program" stating that "the internal connection of arbitrary points on the chip may be formed by a program." (col. 4, lines 39 – 40)

Therefore Applicant respectfully submits that because the '583 patent fails to disclose a program stored or located on a storage device, the program executing on the camera control unit enabling or modifying the camera control unit to receive and/or process image data as variously required by Claims 1, 17 and 27, it cannot anticipate these claims.

35 U.S.C. § 103(a) Rejections

As amended, Claims 1, 17, 22, 27 and 32 each various require among other limitations a program stored or located on a storage device, the program executing on the camera control unit enabling or modifying the camera control unit to receive and/or process image data.

The '583 patent teaches that the "signal processing circuit 16 is formed of a logic cell array (LCA)" and that the "LCA 121 is a logic IC driven by a program", which "is formed by a configuration program based on the circuit data mentioned above." (col. 4, lines 5 – 6, 22 – 23 and 30 – 31) The LCA then is part of signal processing circuit 16 as is illustrated in FIGS. 2, 6 & 7 on which the "configuration program" resides for driving the logic IC. Nowhere does the '583 patent teach that a program is stored or located on or in "data ROM 19, 20" in FIG. 1, "data ROM 57" in FIG. 6, or "memory card 64, 65" in FIG. 7. Rather, with respect to FIG. 2, the '583 patent teaches that "[d]ata ROMs 19 and 20 . . . serve as circuit data recording means in which circuit data . . . are recorded." (col. 4, lines 18 – 20) The '583 patent further teaches that "circuit data corresponding to

the type of endoscope is loaded from a data ROM 57", and that [c]ircuit data is loaded to the signal processing circuit 16 via a control CPU 66 by using memory cards 64 and 65." (col. 7, lines 35 – 36 and 58 – 60) Therefore, the '583 patent fails to teach that a program is stored or located on a storage device, which program then executes on the camera control unit enabling or modifying the camera control unit to receive and/or process image data.

Applicant respectfully submits that none of the other cited prior art teaches this limitation either. For example, the Examiner has submitted that the '501 application teaches "a system which automatically downloads device control information from remote storage deices such as internet locations." (Official Action p. 7) However, the '501 application fails to teach a program is stored or located on a storage device, which program then executes on a camera control unit enabling or modifying the camera control unit to receive and/or process image data as required by all the claims of the present application. Rather, the '501 application teaches that "the host device can download or automatically execute a program stored at the remote device." (abstract) This is not an insubstantial difference. For instance, the present application specifically rejected this approach stating that the "need to transfer operating information back and forth from the camera head to the control unit" is disadvantageous because "where image data typically consumes large amounts of memory, the transfer of operating information further undesirably slows the overall operation of the video camera system." (par. 5) This is exactly the type of transfer system however, that the '501 application teaches to use. While this type of transfer system may be acceptable for "electronic peripheral devices" in general, this methodology has been specifically identified and rejected in the present application as it relates to cameras and CCU's for use with, for instance, video imaging systems.

Therefore, Applicant respectfully submits that, rather than teach the limitation a program is stored or located on a storage device, which program then executes on the camera control unit enabling or modifying the camera control unit to receive and/or

process image data, the '501 application in fact teaches against this limitation. Therefore, even if one were to combine the '583 patent with the '501 application as suggested by the Examiner, one would have to disregard the teaching of the '501 application, and further modify the references to arrive as the present claims.

Applicant further respectfully submits that there is no motivation to combine the '583 patent with the '501 application as the Examiner has suggested. The '583 patent is directed toward an "electroendoscope apparatus" while the '501 application is directed toward a "method and system for obtaining a network address stored in a peripheral device." (See abstracts for cited references) There is no explicit suggestion to combine the references, and they relate to non-analogous art (i.e. one to medical instrumentation and the other to electronic peripherals).

Applicant still further respectfully submits that neither the '212 patent nor the '082 patent teach, disclose or suggest a program is stored or located on a storage device, which program then executes on the camera control unit enabling or modifying the camera control unit to receive and/or process image data as required by all the claims of the present invention. Rather, both are directed to storage of camera information stored in the camera itself, which method as discussed above, has been specifically rejected in this application.

Therefore, because none of the cited prior art, teaches, discloses or suggests a program is stored or located on a storage device, which program then executes on the camera control unit enabling or modifying the camera control unit to receive and/or process image data as required by all the claims, none of the cited prior art alone or in any combination can render the present claims obvious.

Page 13
Serial No. 10/039,931
Response to Official Action

It is respectfully submitted that Claims 1 – 32, all the claims remaining in the present application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,


Wesley W. Whitmyer, Jr., Registration No. 33,558
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicants
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155